

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 4878 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

CHANDRASINGH PRAHLAJSINGH NARSINGHANI

Versus

STATE OF GUJARAT

Appearance:

MR AD SHAH for Petitioners

MR BY MANKAD, APP for Respondent No. 1

CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 30/08/1999

ORAL JUDGEMENT

Affidavit filed by the original complainant is taken on record. Heard learned counsel Mr. AD Shah, for the applicants and Mr. BY Mankad, learned APP for the State.

Rule. Learned APP Mr. BY Mankad appears and waives service of Rule for the State. With the consent of the learned counsel appearing for the parties, the matter

is taken up for final hearing today.

Even after going through the averments made in the affidavit filed by the original complainant, this Court, after going through the averments made in the petition, is of the opinion that the petitioners herein -original accused nos. 2 & 3 cannot be tagged to face a criminal trial with accused no.1 which is of serious nature viz. offence under sec.376 etc. of I.P.Code. The allegation against the present petitioners is of criminal wrong committed by them on 14th October,1998 and the main offence is alleged to have been committed by original accused no.1 on or before 5th September,1999. There is nothing on record to connect these petitioners with the alleged offence which, even otherwise, can be termed as continuing offence with the main offence. Learned counsel Mr. AD Shah, appearing for the petitioners has rightly submitted that on the loose and vague allegations made by the witnesses, a responsible government officer is compelled to face a serious trial for which he is not responsible either directly or indirectly.

Seriousness of allegations against accused no.1 has no relevance at all qua the present petitioners if nothing is found against them. Inter-se relations between the accused no.1 being son and accused nos. 2& 3 being parents of accused no.1, cannot be made a sole ground for framing charge of the serious nature when there is nothing found against them. Learned counsel Mr. AD Shah took this court through the relevant papers and averments made in the petition. From that, it clearly transpires that no case is made out for framing charge against the present petitioners.

For the reasons aforesaid, this Misc.Cri. Application is allowed. The charge framed against present petitioners i.e. original accused nos. 2 & 3 for the offence punishable under sec.506(1) read with sec.114 of the I.P.Code by the learned Addl. Sessions Judge, Court No.24, Ahmedabad on 4.8.1999 in Sessions Case No. 172/99 is hereby quashed and set aside. The present petitioner viz. original accused nos.2 & 3 are hereby discharged from the offence punishable under sections 506(1) read with sec.114 of the I.P.Code.

Rule is made absolute. No costs.

30.8.1999 [C.K. BUCH, J]

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